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Attorneys for Defendant  
**BAYPORT MARINA PLAZA LLC**

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

PATRICK CONNALLY, an individual; and  
DISABILITY RIGHTS ENFORCEMENT,  
EDUCATION, SERVICES: HELPING YOU  
HELP OTHERS, a California public benefit  
corporation,

Plaintiffs,

BAYPORT MARINA PLAZA LLC, a limited  
liability company,

Defendant.

Case No. C-07-3032-BZ

**[PROPOSED] ORDER GRANTING  
MOTION TO DISMISS SECOND, THIRD  
AND FOURTH CAUSES OF ACTION  
PURSUANT TO FRCP 12(b)(1)**

**Date: October 17, 2007**

**Time: 10:00 a.m.**

**Courtroom: G**

**Judge: Bernard Zimmerman**

**[Complaint filed June 12, 2007]**

I.

**INTRODUCTION**

This Motion came before Judge Bernard Zimmerman for hearing on October 17, 2007. The hearing was held and as a result, Judge Bernard Zimmerman found in favor of Defendant, BAYPORT MARINA PLAZA LLC ("Defendant"). The Court therefore finds as follows:

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